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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,706	10/30/2001	Mark D. Seaman	10008306-1	2769

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EXAMINER	
ROSARIO-VASQUEZ, DENNIS	
ART UNIT	**PAPER NUMBER**
2621	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,706	Applicant(s) SEAMAN ET AL.	
	Examiner Dennis Rosario-Vasquez	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2,3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because line 4 has two periods "..". Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

Page 2, line 2: "data.." ought to be amended to "data."

Page 5, line 13: " network 114" ought to be amended to "network 106".

Page 7, line 22: "device(s) 208" ought to be amended to "device(s) 204".

Page 8, line 1: "device(s) 208" ought to be amended to "device(s) 204".

Appropriate correction is required.

Claim Objections

3. The following quotations of 37 CFR § 1.75(a) is the basis of objection:

> (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

4. Claim 17 is objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 17, lines 1and 2 has the phrase "providing the or more image files" which ought to be amended to "providing the **one** or more image files".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al. (US Patent 6,389,181 B2).

Regarding claim 1, Shaffer et al. discloses a computer data signal embodied in a propagation medium, comprising:

a) a code segment ("machine-readable sequence of marks" as mentioned in col. 3, lines 55-57 also shown in fig. 2, num. 32 and mentioned in col. 4, lines 6-11.) comprising information ("customer's identity" as mentioned in col. 3, line 53,54.) corresponding to a digital representation of an image (The customer's identity is associated with image source of fig. 2 or 3, numeral 32 as mentioned in col. 3, lines 53-55); and

b) a code segment (Fig. 3, num. 52 is a series of programs.) comprising information corresponding to image meta-data (The program of fig. 3 ,num. 52 uses fig. 3, num. 34:METADATA as an input.) associated with the image (The meta-data is associated with the image source of fig. 2, numeral 32 as mentioned in col. 4, lines 15-17.) and identified (Fig. 3, num. 38:PROCESSING GOAL determines which parts 62-72 of fig. 3, num. 52 to use.) by applying a predefined image analysis algorithm (Fig. 3,

num. 38 :PROCESSING GOAL generates a desired image.) to the digital representation of the image (image source of fig. 3, numeral 32).

Regarding claim 2, Shaffer et al. discloses the computer data signal of claim 1, wherein the image meta-data (fig. 2, num. 34:METADATA) comprises at least one searchable keyword ("searchable topics or specific information located in the customer profile 30" in col. 9, lines 8-10". Note that the customer profile has a customer name that can be searched.)

Regarding claim 3, Shaffer et al. discloses the computer data signal of claim 1, wherein the predefined image analysis algorithm (Fig. 3, num. 38:PROCESSING GOAL) comprises (Fig. 3, num. 38: PROCESSING GOAL determines which modules to use as mentioned in col. 6, lines 19-31 and "each processing module" process facial features as mentioned in col. 5, lines 63-65 and col. 6, lines 11,12.) a face recognition vector algorithm ("face recognition" as mentioned in col. 6, line 12.)

Claim 4 is similar to claim 1 except for the limitation of an image file embodied in a computer-readable medium which is disclosed by Shaffer et al. as "software programs" in col. 6, line 3.

Claim 5 has been addressed in claim 2.

Claim 6 has been addressed in claim 3.

Regarding claim 7, Shaffer et al. discloses an image capture device, comprising:

a) image capture hardware (fig. 2, num. 14:PROCESSING FACILITY.) configured to capture an image (Image 6 of fig. 2 is inputted to fig. 2 ,num. 4:PROCESSING FACILITY.); and

b) logic configured (fig. 2 and fig. 3) for:

b1) generating a digital representation of the image (Fig. 2, num. 14 outputs a digital representation of image 6 of fig. 2 to a database 20 which corresponds with figure 3 numerals 32,34,36, and 30.) the digital image representation comprising image data (Fig. 2, num. 32: PIXEL INFORMATION);

b2) applying at least one predefined image analysis algorithm (Fig. 3, num. 38 :PROCESSING GOAL) to the digital representation of the image (Fig. 2, num. 14 outputs a digital representation of image 6 of fig. 2 to a database 20 for storage of associated image information 32,34,36 and 30.), the at least one predefined image analysis algorithm (Fig. 3, num. 38 :PROCESSING GOAL) identifying (Fig. 3, num. 38 identifies metadata 34 of fig. 3 for further processing 52.) meta-data (fig. 3, num. 34) corresponding to the image (Fig. 3, num. 32); and

b3) combining ("attached" in col. 4, line 11) the meta-data (fig. 3, num. 34) corresponding to the image with the image data (Fig. 3, num. 32) to define new image data (Fig. 3 numeral 34:METADATA is "attached" to 32:PIXEL INFORMATION as mentioned in col. 4, lines 11-15 as used to search for a photo collage as the new image data as mentioned in col. 9, lines 6-10.)

Regarding claim 8, Shaffer et al. discloses the image capture device of claim 7, wherein the logic (fig. 2 and fig. 3) is software ("software programs" as mentioned in col. 6, line 3) and further comprising a processing device (Fig. 2, num. 28 is a computer) for implementing the logic.

Regarding claim 9, Shaffer et al. discloses the image capture device of claim 7, wherein the logic (fig. 2 and fig. 3) is further configured for storing the new image data (Fig 2, num. 5 is a database for storing photo collages.)

Regarding claim 10, Shaffer et al. discloses the image capture device of claim 7, further comprising a network interface device configured for communication with a communication network (Fig. 4, num. 90 is a computer system connected via a line to a communication network 92.) and wherein the logic is further configured (fig. 2 further includes a computer 28 and is shown in fig. 4, num. 90) for providing (A computer operator sends a request for a photo collage over the communication network 92.) the new image data (Fig. 2, num. 5 and corresponding figure 4, num. 102 is a database for storing photo collages.) to the communication network (fig. 4, num. 92).

Regarding claim 11, Shaffer et al. discloses the image capture device of claim 7, further comprising an interface (fig. 88:KIOSK) configured for direct communication (fig. 4, num. 92:INFORMATION COMMUNICATION) with a computer (Fig. 4, num. 94) and wherein the logic (Fig. 2 and fig. 3 contains a storage 5 that correspond with the storage of fig. 4, num. 102.) is further configured for providing the new image data (photo collage as the new image data as mentioned in col. 9, lines 6-10) to the computer (Fig. 4, num. 94 has storage 102 that store the photo collage.).

Claims 12 and 14 have been addressed in claim 5.

Claim 13 is similar to claim 7 except for the following step that is disclosed by Shaffer et al.:

Identifying ("locate and find" as mentioned in col. 9, lines 5,6) a digital representation of an image ("metadata 34" in col. 9, line 8), the digital representation comprising image data ("metadata 34 [is] attached to each image [fig. 3, num. 32:PIXEL INFORMATION]" in col. 9, line 8.).

Regarding claim 15 Shaffer et al. discloses the method of claim 13, wherein the step of identifying a digital representation of the image involves receiving (Locating and finding results in receiving processed pixel information 32 of fig. 3 into storage 48.) the image data (Fig. 3, num. 32:PIXEL INFORMATION).

Regarding claim 16, Shaffer et al. discloses a method for searching image files having specific image meta-data, the method comprising the steps of:

a) receiving a search query (Database of fig. 1, num 20 receive a search query as mentioned in col. 9, lines 12-14 from fig. 3, num. 64:GROUPING that provides a search process of the database as mentioned in col. 7, lines 54,55.) comprising information related to specific image meta-data ("metadata 34" is used with fig. 3, num. 64:GROUPING as mentioned in col. 7, lines 53-55.) ;

b) based on the search query (Fig. 3, num. 64:GROUPING is a search process as mentioned in col. 7, lines 54,55.), searching one or more image files ("images are grouped" as mentioned in col. 7, lines 35,36.) comprising a source code segment ("customer identity [is a] machine-readable sequence of marks" as mentioned in col. 3, lines 55-57 also shown in fig. 2, num. 32 and mentioned in col. 4, lines 6-11.) comprising information corresponding to a digital representation of an image (Fig. 3, numerals 30-36) and a source code segment (Fig. 3, num. 52 is a program.) comprising

information corresponding to image meta-data (The program of fig. 3 ,num. 52 uses fig. 3, num. 34:METADATA as an input.) associated with the image (The meta-data is associated with the image source of fig. 2, numeral 32 as mentioned in col. 4, lines 15-17.), the image meta-data (fig. 3, num. 34:METADATA) identified (Fig. 3, num. 38:PROCESSING GOAL determines which parts 62-72 of fig. 3, num. 52 to use.) by applying a predefined image analysis algorithm (Fig. 3, num. 38 :PROCESSING GOAL) to the digital representation of the image (image source of fig. 3, numerals 30-36);

c) determining one or more of the image files ("images are grouped" as mentioned in col. 7, lines 35,36.) in which the source code segment ("customer identity [is a]machine-readable sequence of marks" as mentioned in col. 3, lines 55-57 also shown in fig. 2, num. 32:PIXEL INFORMATION and mentioned in col. 4, lines 6-11.) comprising information corresponding to image-data (Fig. 3, numerals 30-36) matches (Fig. 2, num. 32:PIXEL INFORMATION is "attached or associated" to fig. 3, num. 34:METADATA as mentioned in col. 4, lines 11-15.) the specific image meta-data (fig. 3, num. 34:METADATA) in the search query (Fig. 3, num. 64:GROUPING is a search process as mentioned in col. 7, lines 54,55 uses "metadata 34" in col. 7, lines 53,54 and "pixel information 32" in col. 7, line 61 for grouping images.).

Regarding claim 17, Shaffer et al. discloses the method of claim 16, further comprising the step of providing (Fig. 3, num. 64 outputs grouped data to another image process.) the **one** or more image files ("images are grouped" as mentioned in col. 7, lines 35,36.) that match (Fig. 2, num. 32:PIXEL INFORMATION is "attached or associated" to fig. 3, num. 34:METADATA as mentioned in col. 4, lines 11-15.) the specific image meta-data (fig. 3, num. 34:METADATA) in the search query (Fig. 3, num. 64:GROUPING is a search process as mentioned in col. 7, lines 54,55 uses "metadata 34" in col. 7, lines 53,54 and "pixel information 32" in col. 7, line 61 for grouping the images.).

Regarding claim 18, Shaffer et al. discloses the method of claim 16, wherein the image meta-data to (fig. 3, num. 34:METADATA) and the search query (Fig. 3, num. 64:GROUPING is a search process as mentioned in col. 7, lines 54,55.) comprises at least one searchable keyword (An "image group" from fig.3, num. 64 with "attached" metadata 34 is used to "derive searchable topics" as mentioned in col. 9, lines 6-9.).

Claim 19 has been addressed in claim 16.

Claim 20 was addressed in claim 18.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumar et al. (US Patent 6,356,921 B1) is pertinent as teaching a method of using meta frame in fig. 5, num. 506 for a search engine 215 of fig. 2.

Kirsch et al. (US Patent 5,845,278) is pertinent as teaching a general use of a meta data search process of fig. 1.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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